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AUG 15 2006

REMARKS

Remarks About Claim 21:

Applicants gratefully acknowledge the Examiner's statement that claim 21 would be allowed if rewritten in independent form. In response, Applicants have amended claim 21 by rewriting it in independent form. Accordingly, claim 21 is in condition for allowance.

Remarks About Claims 19, 2, 4-18 and 20:

Applicants filed a first Amendment After Final on March 8, 2006 wherein Applicants amended claim 1 and argued the patentability thereof. Subsequently, during a telephone interview, the Examiner withdrew the finality of that action. In response, Applicants again amended claim 1 and added new claim 19, which was identical to the previously amended claim 1 discussed in the March 8, 2006 Amendment. Instead of repeating the same arguments in the Supplemental Amendment with respect to new claim 19, however, Applicants simply asserted that "the arguments made in the Amendment filed March 8, 2006 [with respect to claim 1 continued] to be applicable to claim 19" (Supplemental Amendment at 7).

Applicants note that the Examiner did not address Applicants' arguments concerning claim 19 in the most recent Office Action (see Office Action at 6-7 addressing Applicants' arguments about the combination of Van Gompel and Ostubo, but not Applicants' arguments about the combination of Van Gompel, Ostubo *and Putzer*). Accordingly, Applicants respectfully request consideration of claim 19, now rewritten in independent form, and claims 2 and 4-18 depending therefrom, for at least the following reasons.

Claim 19 recites that "said backsheet comprises *at least one fold* formed along at least one of said opposite side regions," and that "said retention portion comprises *at least one fold* formed along at least one of said opposite side regions, wherein *said at least one fold of said retention portion is interfolded with said at least one fold of said backsheet.*" In addition, the "at least one fold of each of said backsheet and said

retention portion is *unfoldable* along at least said opposite ends of said absorbent composite."

Both Ostubo and Putzer teach against any combination of those references. For example, and without limitation, Ostubo discloses that the "body waste disposal sheet 2 is prevented from being unintentionally separated from the absorbent unit when the pleats 18 in the front and rear waist regions are unfolded to wear the diaper or during use of the diaper" (Ostubo at Col. 3, lines 64-67). In other words, Ostubo discloses that the *end portions can be unfolded* during use, but that *middle portion* is prevented from being unfolded during use by way of bonding spots 20 (Col. 3, lines 19-67).

Significantly, Putzer teaches the exact opposite! Indeed, the Examiner previously cited Putzer as disclosing "a diaper with a fold in the backsheet which extends the length of the diaper and is *tacked at the front and back waistband so that the folds do not unfold*" (July 11, 2005 Office Action at 2, para. 2; at 4, para. 3(emphasis added)). Putzer further discloses that "the pleats allow the backsheet to expand away from the wearer's body surface *in the crotch region* while maintaining a close fit in the front and back waistband regions and preventing any leakage in those areas" (Putzer at 9, lines 3-11 (emphasis added)). As such, one is hard pressed to find two references more divergent in their teachings relative to the formation of pleats. Accordingly, there simply is no suggestion to combine the references and the Examiner's rejection should be withdrawn.

In this respect, it is important to emphasize that the Examiner cannot simply pick and choose an isolated element (e.g., the folded retention portion) from Putzer without considering the references in their entirety (MPEP 2143). Indeed, the proposed combination would change the principle of operation of the references and render them unsatisfactory for their intended purposes (MPEP 2143.01). Moreover, in this same vein, Ostubo teaches against the desirability of a folded retention portion since the absorbent garment is not intended to expand in the crotch region during use (Ostubo at Col. 3, lines 65-67), in contrast to Putzer (see Page 9). In summary, there

simply is no suggestion to combine Ostubo and Putzer, regardless of whether or not that combination with Van Gompel discloses all of the recitations of claim 19, and regardless of whether the aspects teaching away from such a combination are part of the claim recitations (see MPEP 2143.01). Simply put, the Examiner has failed to make out a prima facie case of obviousness.

For these reasons, claims 19, 2 and 4-18 should be passed to allowance and notice to that effect is earnestly solicited.

CONCLUSION:

No additional claims fees are occasioned by this amendment. If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Dated: August 15, 2006

By:

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